

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

TOMMY D LAY, II , on behalf of  
himself and all employees similarly  
situated

Plaintiff,

v.

Case No: 2:20-cv-746-SPC-NPM

STORM SMART BUILDING  
SYSTEMS, INC.,

Defendant.

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**ORDER**<sup>1</sup>

Before the Court is the parties' Joint Report Regarding Settlement ([Doc. 22](#)). The parties are still under an FLSA Scheduling Order ([Doc. 12](#)). Their original settlement report was due March 8. They requested two extensions of time to continue settlement discussions, which the Court granted ([Docs. 19; 21](#)). Now, the parties seek a third extension ([Doc. 22](#)). While the Court appreciates the parties' good-faith efforts to resolve this action, they must either settle or begin litigating the case. So the Court denies the request. As set out in the Scheduling Order, the parties must file a report indicating they

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.


settled, wish to engage in formal mediation, request a settlement conference, or exhausted settlement efforts and will immediately file a CMR.

Accordingly, it is now

**ORDERED:**

- (1) The parties' request for a third extension ([Doc. 22](#)) is **DENIED**.
- (2) The parties must **FILE** another Joint Report Regarding Settlement—in accordance with this Order—**on or before April 9, 2021**.

**DONE** and **ORDERED** in Fort Myers, Florida on April 6, 2021.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record